
Defamation Claims Against Time Warner Cable's NY1 Dismissed

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Cahill secured a victory for client Time Warner Cable Inc., as Time Warner's motion to dismiss was granted in a decision/order dated August 2, 2007. *Rivera v. NYP Holdings, Inc., et al.* (Supreme Court, NY County; Index No. 114858/06). The lawsuit was filed in Manhattan Supreme Court by Justice Francois Rivera, a state court judge in Brooklyn, alleging defamation claims against the *New York Post* and Time Warner, which owns and broadcasts the 24-hour cable news channel NY1. In two broadcasts, NY1 had briefly highlighted two *Post* articles in its "In the Papers" segment, which offers a survey of news that appears in New York City daily newspapers. The *Post* articles had reported that Justice Rivera was being investigated for allegedly purchasing his judicial seat for \$50,000 as part of a larger investigation into political corruption charges against Brooklyn Democratic party boss Clarence Norman. In granting Time Warner's motion to dismiss, the Court ruled that Justice Rivera had failed to plead "actual malice," a required element of defamation claims brought by public officials such as state judges. The Court also agreed that the claims against Time Warner should be dismissed because NY1 merely summarized what the *Post* had published, attributed the information to the *Post*, and did not endorse what the newspaper had said.

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